

Appl. No. 10/661,652

Reply to Office action of June 7, 2005

Docket. No.: 022.0008 (1630)

**REMARKS**

In the June 7, 2005 Office Action, the Examiner allowed claims 21-4 and 43-44, rejected claims 1-16, and objected to claims 17-20. This Response amends claims 2-9 and 14-15, and cancels claims 1 and 16 without prejudice. After entry of the foregoing amendments, claims 2-15, 17-44 (42 total claims; 3 independent claims) remain pending in the application. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

**I. Claim Rejections – 35 U.S.C. § 102**

Claims 1-9 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,220,335 (the “Huang reference”). Applicant respectfully traverses this rejection.

Claims 1 and 16 have been cancelled without prejudice, and claims 2-9 have been amended to variously depend from claim 41. Accordingly, the Section 102 rejections have been rendered moot.

**II. Claim Rejections – 35 U.S.C. § 103**

Claims 10-12 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Huang reference in view of U.S. Publication No. US2003/0125725A1 (the “Woodward reference”). Applicants respectfully traverse this rejection. As a result of the present amendment, claims 10-12 now variously depend from claim 41, which stands rejected based on additional cited art. Accordingly, the Woodward reference and the Huang reference, taken alone or in combination, do not disclose each and every element of these claims as amended. For at least this reason, Applicants request that this rejection be withdrawn.

Claim 13 stands rejected under 35 U.S.C. § 103 as being unpatentable over the Huang reference in view of U.S. Pat. No. 6,809,699 (the “Chen reference”). Applicants respectfully traverse this rejection. Claim 13 now depends, indirectly, from claim 41, which stands rejected based on additional cited art. Accordingly, the Chen reference and the Huang reference, taken alone or in combination, do not disclose each and every element of these claims as amended. For at least this reason, Applicants request that this rejection be withdrawn.

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Claims 14-15 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Huang reference in view of U.S. Pat. No. 6,061,036 (the "MacDonald reference"). Applicants respectfully traverse this rejection. Claims 14 and 15 now depend from claim 41, which stands rejected based on additional cited art. Accordingly, the MacDonald reference and the Huang reference, taken alone or in combination, do not disclose each and every element of these claims as amended. For at least this reason, Applicants request that this rejection be withdrawn.

Claims 41-42 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Huang reference in view of U.S. Pat. No. 6,353,406 (the "Lanzl reference"). These rejections are respectfully traversed.

The Examiner argues that "[i]t would have been obvious to one having ordinary skill in the art to employ [the] Huang antenna array to [the] tag system in order to achieve highly directional antenna patterns and provide a low profile antenna as well." This conclusion is unsupportable, as there is no suggestion in either reference to combine the references in this way. The Examiner is essentially engaging in impermissible hind-sight reconstruction and using Applicant's disclosure as a roadmap for making the combination. Neither Huang nor Lanzl include any suggestion to combine the use of high-directionality antenna patterns and low profile antenna elements as suggested by the Examiner.

Furthermore, assuming, arguendo, that the references were combined as the Examiner suggests, the resulting combination would not include each and every element of the pending claims. For example, neither reference discloses "a portable/handheld device" as recited in claim 41, and the Examiner does not address this feature.

Accordingly, for at least the reasons stated above, Applicants respectfully request that the rejections under 35 U.S.C. 102(b) be withdrawn.

### **III. Allowable Subject Matter**

Applicants acknowledge that claims 21-40 and 43-44 are allowable, and that claims 17-20 are objected only to the extent they are dependent upon a rejected base claim. Claim 17 has been amended to incorporate the elements of original claims 1 and 16, and is, along with dependant claims 18-20, therefore allowable.

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**IV. Conclusion**

In view of Applicants' amendments and remarks, it is respectfully submitted that the Examiner's objections and rejections under 35 USC § 102, 103 and 112, have been overcome. Accordingly, Applicants respectfully submit that the application is in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicants' attorneys at the telephone number below.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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Dated: 10/27, 2005By: 

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